

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
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TREVOR WATSON,

Petitioner,

-against-

UNITED STATES OF AMERICA,

**MEMORANDUM & ORDER**

Civil Action No. 04-4084

Respondent.

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**APPEARANCES:**

**For Petitioner:**

Trevor Watson, Pro Se  
#68060-053  
Metropolitan Detention Center  
P.O. Box - 329002  
Brooklyn, New York 11232

**For Respondent:**

Roslynn R. Mauskopf  
United States Attorney  
Eastern District of New York  
One Pierrepont Plaza  
Brooklyn, New York 11201  
By: Mary K. Barr, Esq.

**HURLEY, Senior District Judge:**

Petitioner Trevor Watson (“Watson”) moves pursuant to 28 U.S.C. § 2255 to vacate, set aside or correct his sentence arising from his 2003 conviction in this Court. The motion is denied.

Watson claims that the imposition of his sentence violated the Sixth Amendment under *Blakely v. Washington*, 542 U.S. 296 (2004). His claim is unavailing.

First, the waiver in his plea agreement of any right to bring a collateral attack, which waiver was knowingly made, precludes this motion. *See United States v. Morgan*, 406 F.3d 135, 137 (2d Cir. 2005) (holding plea agreement waiver of right to appeal enforceable against claim under *United States v. Booker*, 543 U.S. 220 (2005) even though *Booker* was decided subsequent to plea); *Garcia-Santos v. United States*, 273 F.3d 506 (2d Cir. 2001) (plea agreement provision waiving right to file motion to vacate applies to grounds that arise after entry of guilty plea).

Second, *Booker* does not apply retroactively to cases on collateral review. *See Guzman v. United States*, 404 F.3d 139 (2d Cir. 2005); *Green v. United States*, 397 F.3d 101, 103 (2d Cir. 2005).

For the reasons set forth above, the motion is denied. The Clerk of Court is directed to close this case.

**SO ORDERED**

Dated: Central Islip, New York  
April 16, 2007

/s/  
Denis R. Hurley  
Senior District Judge